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Dated, Trivandrum, 18th January, 1962|
28th Pausa, 1883.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 18th day of January 1962.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

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ACT 4 OF 1962

THE KERALA FOREST ACT, 1961

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PRESERVATION OF WILD ELEPHANTS

ACT 4 OF 1962

THE KERALA FOREST ACT, 1961

An Act to unify and amend the law relating to the protection and management of forests in the State of Kerala.

Preamble.—WHEREAS it is expedient to unify and amend the law relating to the protection and management of forests in the State of Kerala;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Forest Act, 1961.

(2) It extends to the whole of the State of Kerala:

Provided that the Government may, by notification in the Gazette, exempt any place from the operation of the whole or any portion of the Act, but not so as to affect anything done, or any offence committed, or any fine imposed or penalty incurred, or any proceedings commenced in such place before such exemption, and may in like manner vary or cancel such notification.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, and in all rules made thereunder, unless the context otherwise requires,—

(a) "cattle" means cows, oxen and bulls and includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, kids and fowls and such other kinds of animals as the Government may, by notification in the Gazette specify;

(b) "Collector" means the Chief Revenue Officer of a District and includes an acting or officiating Collector, and also any Officer appointed by the Government to exercise the functions of the Collector;

(c) "Forest Officer" means any person appointed by name or as holding an office by or under the orders of the Government to be a Chief Conservator, a Conservator, Deputy

Conservator, Assistant Conservator, Divisional Forest Officer, Ranger, Deputy Ranger, Forester, a Timber Depot Officer, Forest Guard, Forest Plantation Maistry, Watcher, Game Warden, Assistant Game Warden, Game Ranger, Game Forester, Game Guard, or to discharge any function of a Forest Officer under this Act or any rule made thereunder;

(d) "Divisional Forest Officer" means the Chief Forest Officer of a Forest Division or a portion or portions of one or more Divisions, if in independent charge of such portion or portions, when they are constituted into a Forest Division;

(e) "forest offence" means an offence punishable under this Act or any rule made thereunder;

(f) "forest produce" includes the following when found in or brought from, a forest, that is to say,—

(i) trees and leaves, flowers and fruits and all other parts or produce of trees, and charcoal,

(ii) plants not being trees (including grass, creepers, reeds and moss) and all other parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk cocoons, honey and wax and all other parts or produce of animals,

(iv) peat, surface soil, rock and minerals (including limestone and laterite), mineral oils and all produce of mines and minerals;

(g) "land at the disposal of Government" includes all unoccupied land, all temporarily occupied land and all land occupied without permission, whether assessed or unassessed; but does not include land, the property of land holders such as Jenmies, Devaswoms, or holders of Inam lands; also all holdings of land in any way subject to the payment of land revenue direct to Government and all other registered holdings of land in proprietary right;

(h) "Magistrate" means a Magistrate of the First or Second Class and includes a Magistrate of the Third Class when he is specially empowered by Government to try forest offences;

(i) "river" includes streams, canals, backwaters, creeks and other channels, natural or artificial;

(j) "State" means the State of Kerala;

(k) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not; and

(l) "tree" includes palms, bamboos, stumps, brushwood and canes.

CHAPTER II

Reserved Forests

3. *Power to reserve forests.*—The Government may constitute any land at the disposal of the Government a Reserved Forest in the manner hereinafter provided.

4. *Notification by Government.*—Whenever it is proposed to constitute any land a Reserved Forest, the Government shall publish a notification in the Gazette—

(a) specifying as nearly as possible, the situation and limits of such land;

(b) declaring that it is proposed to constitute such land a Reserved Forest; and

(c) appointing an officer (hereinafter called the Forest Settlement Officer) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this Act.

The officer appointed under clause (c) of this section shall ordinarily be a person other than a Forest Officer; but a Forest Officer may be appointed by the Government to attend, on behalf of the Government, at the inquiry prescribed by this Chapter.

5. *Suits barred.*—Except as hereinafter provided, no Civil Court shall, between the dates of the publication of the notification under section 4, and of the notification to be issued under section 19, entertain any suit against the Government to establish any right in or over any land, or to the forest produce of any land, included in the notification published under section 4.

6. *Proclamation by Forest Settlement Officer.*—(1) When a notification has been issued under section 4, the Forest Settlement Officer shall publish in the Gazette and at the headquarters of each taluk in which any portion of the land included in such notification is situate, and in every town, village and headquarters of Panchayats in the neighbourhood of such land, a proclamation—

(a) specifying, as nearly as possible, the situation and limits of the land proposed to be included within the Reserved Forest,

(b) setting forth the substance of the provisions o section 7,

(c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest, and

(d) fixing a period not less than three and not exceeding six months from the date of publishing such proclamation in the Gazette, and requiring every person claiming any right referred to in section 4 either to present to such officer, within such period, a written statement specifying, or to appear before him within such period and state, the nature of such right, and in either case, to produce all documents and other evidence in support thereof.

(2) The Forest Settlement Officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a Reserved Forest, or on his recognised agent or manager. Such notice may be sent by registered post.

7. *Bar of accrual of forest right, prohibition of clearings, etc.*—(1) During the interval between the publication of the proclamation under section 6 and the date fixed by the notification under section 19, no right shall be acquired in or over the land included in such proclamation, except under a grant or contract in writing made or entered into by, or on behalf of, the Government, or by, or on behalf of, some person in whom such right, or power to create the same was vested when the proclamation was published, or by succession from such person; and no clearings shall be made on such land, nor shall any person cut, collect, or remove any forest produce nor shall set fire to such land or kindle or leave burning any fire in such manner as to endanger the same.

(2) No patta shall, without the previous sanction of the Government, be granted in such land, and every patta granted without such sanction shall be null and void.

(3) Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest Settlement Officer.

8. *Inquiry by Forest Settlement Officer.*—(1) The Forest Settlement Officer shall inquire into all claims made under section 6 recording all statements and the evidence in the manner prescribed by the Code of Civil Procedure for appealable cases.

(2) He shall, at the same time, consider and record any objection which the Forest Officer, if any, appointed under section 4 to attend at the inquiry on behalf of the Government, may make to any such claim.

(3) He may also inquire into and record the existence of any right referred to in section 4 and not claimed in answer to the notice issued under section 6, so far as they are ascertainable from the records of the Government and the evidence of any person likely to be acquainted with the same.

9. *Powers of Forest Settlement Officer.*—For the purpose of such inquiry, the Forest Settlement Officer may exercise the following powers, namely:—

(a) the power to enter by himself or to authorise any officer to enter upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits.

10. *Order on closing the inquiry.*—(1) When the inquiry is completed, the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting it wholly or in part.

(2) When the claim admitted relates to any of the following rights:—

(a) a right of way;
(b) a right to a water course, or to a use of water;
(c) a right of pasture;
(d) a right to forest produce;

and if such right is for the beneficial enjoyment of any land or building, he shall record the designation, position and area of such land and the designation and position of such building.

(3) When the right is a right to forest produce, he shall also record whether the forest produce obtained by the exercise of such right may be sold or bartered.

11. *Appeals from the orders of Settlement Officer.*—(1) Where a claim is rejected wholly or in part, the claimant may, within ninety days from the date of the order prefer an appeal to the District Court in respect of such rejection only. The time taken for obtaining copies of the order appealed against shall be excluded in computing the period of ninety days.

(2) Whenever a claim is admitted in the first instance wholly or in part, a like appeal may be preferred on behalf of Government by the Forest Officer appointed under section 4, or other person generally or specially empowered by the Government in this behalf.

12. *Section 5 of the Limitation Act to apply.*—The provisions contained in section 5 of the Limitation Act shall apply to an appeal under section 11.

13. *Forest Settlement Officer to carry out the Appellate Court's Order.*—If the order is reversed or modified in appeal, the Forest Settlement Officer shall proceed to deal with it in like manner as if it had been in the first instance made by himself.

14. *Forest Settlement Officer to report to Government result of inquiry.*—When the following events have occurred, namely:—

(a) the period fixed under section 6 for preferring claims has elapsed, and no claim has been preferred;

(b) all claims made within such period have been disposed of by the Forest Settlement Officer;

(c) the period fixed by section **11** for appealing from the orders passed on such claims has elapsed; and

(d) an appeal, if any, presented within such period has been disposed of by the appellate authority,

the Forest Settlement Officer shall submit to the Government a report stating that no claims have been preferred, or setting forth the claims which have been finally admitted or rejected, as the case may be.

15. *Procedure by Government in regard to admitted claims.*—(1) When the claim admitted relates to the rights of the kind other than those specified in clauses (a), (b), (c) and (d) of sub-section (2) of section 10, the Government may—

(i) come to an agreement with the claimant for the surrender of the right, or

(ii) exclude the land from the limits of the proposed reserve, or

(iii) proceed to acquire such land according to the law for the time being in force for the acquisition of land for public purposes.

(2) For the purpose of acquiring such land—

(a) the Forest Settlement Officer shall be deemed to be a Collector under the Land Acquisition Act for the time being in force;

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under the Travancore Land Acquisition Act XI of 1089 or the Cochin Land Acquisition Act II of 1070 or section 9 of the Land Acquisition Act I of 1894 as applicable to the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956);

(c) the provisions of the said Acts shall be deemed to have been complied with; and

(d) notwithstanding anything contained in the Land Acquisition Act for the time being in force, the Forest Settlement Officer, with the sanction of Government and with the consent of the claimant, or the Court with the consent of both the parties, may award compensation in land or partly in land and partly in money.

16. *Claims to rights of way, etc.*—When the claim admitted relates to a right of way or to a water course, or to a use of water, the Government shall either come to an agreement with the claimant for the surrender of the right or pass an order admitting such right and providing for the exercise of such right.

17. *Provision for right of pasture or to forest produce admitted.*—When the claim admitted relates to a right of pasture or to forest produce, the Government shall either come to an agreement with the claimant for the surrender of such right or provide for the exercise of such right—

(a) by altering the limits of the proposed Reserved Forest so as to exclude land of sufficient extent of a suitable kind and in a locality reasonably convenient for the purposes of the claimant;

(b) by recording an order continuing to the claimant a right of pasture or to the forest produce, as the case may be, subject to such rules as may be prescribed by the Government.

The order passed under clause (b) shall record as far as practicable, the nnmber and description of cattle which the claimant is, from time to time, entitled to graze, the local limits within which and the seasons during which sucb pasture is permitted, or the quantity of timber or other forest produce which the claimant is authorised to take or receive, the local limits within which, the season during which and the mode in which the taking of such produce is permitted, and such other particulars as may be required in order to define the extent of the right which is continued and the mode in which it may be exercised.

18. *Commutation of certain rights.*—Whenever, any right of way or to a water course or of a pasture or to forest produce admitted under section 16 or 17 is not provided for in one of the ways prescribed therein, the Government shall, subject to such rules as the Government may prescribe in this behalf, commute such right by paying a sum of money in lieu thereof or, with the consent of the claimant, by the grant of rigbts in or over land or in such other manner as the Government think fit:

Provided, however, that, if the claimant is not satisfied with the amount of money awarded by the Government, he may, within three months from the date of service of the order of commutation, file a suit in the District Court having jurisdiction over the area for having the commutation value of such right determined.

19. *Notification declaring forests reserved.*—When the proceedings prescribed in the preceding sections have been taken, the Government may publish a notification in the Gazette specifying the limits of the forests which it is intended to reserve and declaring the same to be reserved from a date to be fixed by such notification.

Copies of the notification shall also be published at the headquarters of each taluk in which any portion of the land included in such notification is situate, and in every town, village and headquarters of Panchayats in the neighbourhood of such land.

From the date so fixed, the forest shall be deemed to be a "Reserved Forest".

20. *Extinction of rights not claimed and not known by inquiry.*—(1) Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall on the issue of the notification under section 19, be extinguished, unless, before the publication of such notification the person claiming them has satisfied the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6, in which case, the Forest Settlement Officer shall proceed to dispose of the claim in the manner hereinbefore provided.

(2) Notwithstanding the provisions contained in sub-section (1), a person who has not been able to prefer the claim before the Forest Settlement Officer under section 6 or before the publication of the notification under section 19 may institute a suit in the District Court for the award of compensation for any rights extinguished under that sub-section within six months of the publication of the notification under section 19 and the Court may, if it is satisfied that he had such rights and there was sufficient cause for not preferring the claim before the Forest Settlement Officer within the period referred to in sub-section (1), award compensation.

21. *Power of Government to redefine the limits of Reserved Forests in certain cases.*—(1) Where the description of the limits of any Reserved Forest notified under section 19 is defective or is not clear in reference to existing facts, the Government may, by notification in the Gazette, declare their intention to redefine the limits of such Reserved Forest so as to remove the defect or to make the description clear in reference to existing facts. Such notification shall specify as nearly as possible the corrections which it is proposed to effect to the limits of the Reserved Forest.

(2) On the issue of a notification under sub-section (1), the Divisional Forest Officer shall publish in the Gazette and in such other manner as may be prescribed by rules made in that behalf, a notice—

(a) specifying the corrections proposed by the notification under sub-section (1); and

(b) stating that any objections which may be made in writing to the Divisional Forest Officer within a period of thirty days from the date of publication of the notice will be considered by him.

(3) After the expiry of the period referred to in clause (b) of sub-section (2) and after considering the objections, if any, received by him, the Divisional Forest Officer shall submit to the Government through the Chief Conservator of Forests the record of the proceedings held by him together with a report thereon.

(4) The Government may, after considering the report so submitted and the remarks, if any, of the Chief Conservator of Forests, by notification in the Gazette redefine the limit of the Reserved Forest, as proposed by the notification under sub-section (1) with such modifications as they think fit or without any modifications.

(5) Save as provided in this section, it shall not be necessary to follow the procedure laid down in sections 4 to 18 before issuing a notification under sub-section (4).

22. *No right acquired over Reserved Forests except as herein provided.*—No right of any description shall be acquired in or over a Reserved Forest except under a grant or contract in writing made by or on behalf of the Government or by or on behalf of some person in whom such right or the power to create such right was vested when the notification under section 19 was published or by succession from such person:

Provided that no patta shall, without the previous sanction of the Government, be granted for any land included within a Reserved Forest and every patta granted without such sanction shall be null and void.

23. *Rights continued under section 17 not to be alienated without sanction.*—(1) Notwithstanding anything herein contained, no right continued under section 17 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Government:

Provided that, when any such right is continued for the beneficial enjoyment of any land or building, it may be sold or otherwise alienated with such land or building, without such sanction.

(2) Any alienation of right in contravention of this section shall be null and void.

(3) No forest produce obtained in exercise of any right continued under section 17 shall be sold or bartered, except to the extent defined by the order recorded under section 17.

(4) Any person selling or bartering any forest produce in contravention of this section shall be punished with fine which may extend to two hundred rupees.

24. *Power to stop ways and water-course in Reserved Forest.*—The Chief Conservator may, from time to time, with the previous sanction of the Government stop any public or private way or water-course in a Reserved Forest, provided that a reasonable convenient substitute for the way or water-course so stopped already exists or has been provided or constructed in lieu thereof.

25. *Power to revise arrangement made under section 15, 16 or 17.*—The Government may, within five years from the

publication of any notification under section 19, revise any arrangement made under section 15, section 16 or section 17 and may, for this purpose, rescind or modify any order made under section 15 or section 16 or section 17 and direct that any one of the proceedings specified in section 17 be taken in lieu of any other of such proceedings, or that the rights admitted under section 17 be commuted under section 18.

26. *Power to declare forest no longer reserved.*—The Government may, by notification in the Gazette, direct that, from a date to be fixed by such notification, any forest or any portion thereof reserved or deemed to be reserved under this Act shall cease to be reserved.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights if any which have been extinguished therein shall not revive in consequence of such cessation.

27. *Penalties for trespass or damage in Reserved Forests and acts prohibited in such forests*—

(1) Any person who—

(a) makes any clearing prohibited by section 7; or

(b) sets fire to a Reserved Forest or a Forest proposed to be reserved under section 6, or kindles or leaves burning any fire in such manner as to endanger the same; or

(c) sets fire to jungles or forests, other than Reserved Forests and forests proposed to be reserved under section 6, without taking precautionary measures to prevent the spread of fire into Reserved Forests; or

(d) knowingly receives or has in possession any major forest produce illicitly removed from a Reserved Forest; or who, in a Reserved forest;

(e) clears, cultivates or breaks up any land for cultivation or for any other purpose or puts up any shed or other structures or plants trees; or

(f) damages, alters or removes any wall, ditch, embankment, fence, hedge, or railing; or

(g) fells, girdles, marks, lops, taps, uproots, burns, saws, converts or removes, any tree the value of which exceeds one hundred rupees, or strips off the bark or leaves from or otherwise damages the same,

shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid.

Explanation.—For the purpose of this sub-section the forest produce enumerated in the schedule shall be deemed to be major forest produce.

(2) Any person who—

(a) knowingly receives or has in possession any forest produce other than a major forest produce illicitly removed from a forest;

or who, in a Reserved Forest—

(b) kindles, keeps or carries any fire, except at such seasons and in such manner as the Divisional Forest Officer may, from time to time, notify; or

(c) trespasses or pastures cattle or permits or causes cattle to trespass; or

(d) fells, girdles, marks, lops, taps, uproots, burns, saws, converts or removes, any tree the value of which does not exceed one hundred rupees, or strips off the bark or leaves from or otherwise damages the same; or

(e) quarries stones, burns lime or charcoal, or collects or subjects to any manufacturing process or removes any forest produce; or

(f) in contravention of any rule made by Government, hunts, shoots, fishes, poisons water or traps or snares;

(g) causes any damage by negligence in felling any tree or cutting or dragging any timber,

shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.

(3) If any agricultural or other crop is grown or any shed or other structure is put up in contravention of clause (e) of sub-section (1) and any person is convicted for that offence, such crops, sheds or other structures shall be liable to confiscation by order of the convicting Magistrate.

(4) Nothing in this section shall be deemed to prohibit—

(a) any act done in accordance with any rule made by the Government or with the permission in writing of the Chief Conservator of Forests, Conservator of Forests, or the Divisional Forest Officer or of an officer authorised by any of them to grant such permission; or

(b) the exercise of any right continued under section 17 or created by grant or contract in the manner described in section 22:

Provided that this section shall not be held to interfere with such working of the forest as may be ordered by the Chief Conservator of Forests, Conservator of Forests or the Divisional Forest Officer.

28. *Suspension of rights in Reserved Forests.*—Whenever fire is caused wilfully or by negligence in a Reserved Forest, the Government may, notwithstanding that any penalty has been inflicted under section 27, direct that in such forest or any

portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as they think fit.

29. *Persons bound to assist Forest Officer and Police Officer.*—(1) Every person who exercises any right in a Reserved Forest or who is permitted to take any forest produce from, or to cut and remove timber, or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every Village Officer or person in any village contiguous to such forest who is employed by the Government shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit any forest offence, and shall forthwith take steps, whether required by any Forest Officer or Police Officer or not—

(a) to extinguish any fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest and shall assist any Forest Officer or Police Officer demanding his aid;

(c) in preventing the commission in such forest of any forest offence; and

(d) when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender.

(2) Any person who being bound so to do, without lawful excuse, the burden of proving which shall be upon such person, fails—

(a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1);

(b) to take steps as required by sub-section (1), to extinguish any forest fire in a Reserved Forest;

(c) to prevent as required by sub-section (1) any fire in the vicinity of such forest from spreading to such forest; or

(d) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender,

shall be punished with fine which may extend to two hundred rupees.

CHAPTER III

Protection of land at the disposal of Government not included in Reserved Forests

30. *Power to make rules.*—(1) Subject to all rights now vested in individuals and communities by law or custom or usage having the force of law, the Government may make rules to regulate the use of the pasturage or of the natural produce of any land at the disposal of Government and not included in a Reserved Forest. Such rules may, with respect to such land—

(a) regulate or prohibit the clearing or breaking up of land for cultivation or other purposes or putting up of sheds or other structures, or the planting of trees;

(b) regulate or prohibit the kindling of fires and prescribe the precautions to be taken to prevent the spreading of fires;

(c) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber and the collection and removal of natural produce;

(d) regulate or prohibit the quarrying of stone, the boiling of catechu, the burning of lime or charcoal or the distilling of essential oils;

(e) regulate or prohibit the cutting of grass and pasturing of cattle and regulate the payments, if any, to be made for such cutting or pasturing;

(f) regulate or prohibit hunting, shooting, fishing, poisoning of water and setting traps or snares;

(g) regulate the sale or free grant of timber or other natural produce; and

(h) prescribe the fees, royalties or other payments for timber or other natural produce, and the manner in which such fees, royalties or other payments shall be levied.

And whoever commits an infringement of any of those rules shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to six months, or to fine which may extend to one hundred rupees, or to both.

(2) If any agricultural or other crop is grown or any shed or other structure is put up in contravention of the rules framed under clause (a) of sub-section (1) of this section and any person is convicted for that offence, such crop or shed or other structure shall be liable to confiscation by order of the convicting Magistrate:

Provided that the Government may exempt any person or class of persons from the operation of all or any of these rules.

31. *Power to close land against pasture.*—Whenever fire is caused wilfully or negligently in any land to which all or any of the rules made under section 30 have been extended, the Government may notwithstanding that a penalty has been inflicted under that section, direct that such land be closed against pasture for such period as they think fit:

Provided that an area, sufficient in extent and in a locality reasonably convenient, is left open for the use of persons having rights of pasture in such land.

32. *Penalties.*—Whoever pastures cattle or permits or causes cattle to trespass in land closed under section 31 shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

CHAPTER IV

OF THE CONTROL OVER FORESTS AND LANDS NOT AT THE DISPOSAL OF GOVERNMENT OR IN WHICH GOVERNMENT HAVE A LIMITED INTEREST

33. *On certain lands the breaking up or clearing for cultivation, etc., may be regulated or prohibited.*—(1) The Government, may, from time to time, by notification in the Gazette, regulate or prohibit in any forest or waste land not at the disposal of Government—

(a) the breaking up or clearing of land; or

(b) the firing or clearing of vegetation; or

(c) the pasturing of cattle;

when such regulation or prohibition appears to be necessary for any of the following purposes:—

(i) for protection against storms, winds, rolling stones, floods and landslips;

(ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips and of the formation of ravines and torrents and the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(iii) for the maintenance of water supply in springs, rivers and tanks;

(iv) for the protection of roads, bridges, canals and other lines of communication; and

(v) for the preservation of public health.

Any such notification may be altered or cancelled by a like notification.

(2) The Government may, for any such purpose, construct, at their own expense, in or upon any such forest or land, such works as they think fit.

(3) No notification under sub-section (1) shall be issued, and no work under sub-section (2) shall be begun, until after the issue of a notice to the owner of such forest or land, calling upon him to show cause, within a reasonable period to be specified in such notice why such notification should not be made or work constructed, and until his objections, if any, and any evidence he may produce in support of the same have been heard by an officer duly appointed in that behalf and have been considered by the Government.

34. *In the case of refusal by owner, Government may take such lands on lease or acquire them.*—Whenever the owner of such forest or land may decline to comply with the regulations or directions contained in the said notification, it shall be incumbent upon the Government, if they resolve to assume control of the said forest or land, to take the said forest or land or so much of it as they may see fit, on lease from the owner for such term as they may deem it necessary to retain the same under control, and the owner shall be bound either to conclude such lease with the Government or to require that such forest or land shall be acquired for public purposes and in the latter event, the Government shall acquire such forest or land accordingly. If such lease is agreed upon, the amount of annual rent to be reserved and all other questions arising between the owner or persons claiming to be owners and the Government shall, in case of dispute, be determined so far as may be in accordance with the provisions of the Land Acquisition Act for the time being in force, by any officer appointed by the Government in that behalf subject to an appeal to the District Court.

35. *Acquisition of forest or land under the rules in force for the Acquisition of Land for public purposes.*—In any case under this Chapter in which the Government consider that, in lieu of taking of the forest or land under their control, the same should be acquired for public purposes, the Government may, proceed to acquire it in the manner prescribed by the law in force for the acquisition of land for public purposes.

36. *Protection of forests at request of owners.*—(1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein, whether divided or not, amounting in the aggregate to at least two thirds thereof, may, with a view to the formation or conservation of forests thereon represent in writing to the Chief Conservator of Forests their desire—

(a) that such land be managed on their behalf by a Forest Officer, as a Reserved Forest, on such terms as may be agreed upon; or

(b) that such land be managed, subject to the control of the Chief Conservator of Forests by a person appointed by themselves and approved by the Chief Conservator of Forests; or

(c) that all or any of the provisions of this Act or rules made thereunder be applied to such land.

(2) The Government may, in any such case, by a notification in the Gazette, apply to such land such provisions of this Act as they think suitable to the circumstances thereof and as may be desired by the applicants. Any such notification may be altered or cancelled by a like notification.

37. *Management of forests, the joint property of Government and other persons.*—If the Government and any person or persons are jointly interested in any forest or waste land or in the whole or any part of the produce thereof, the Government may either—

(a) undertake the management of such forest, waste land or produce, accounting to such person for his interest in the same, or

(b) issue such rules for the management of the forest, waste land or produce by the persons so jointly interested as they deem necessary for the management thereof and the interests of all parties therein.

When the Government undertake, under clause (a) of this section, the management of any forest, waste land or produce, they may, by notification in the Gazette, declare that any of the provisions contained in Chapters II and III of this Act shall apply to such forest, waste land or produce, and thereupon such provisions shall apply accordingly. Any such notification may be altered or cancelled by a like notification.

38. *Persons employed to carry out the Act to be deemed Forest Officers.*—Any person employed under sections 34, 36 and 37 to carry out the provisions of this Act shall be deemed to be a Forest Officer within the meaning of this Act.

The Government shall also have power to appoint any person to discharge any function of a Forest Officer under any of the provisions of this Act which have been extended to any land or to any forest or waste land or produce by a notification under section 36 or section 37 or under any rule made in pursuance of any provision so extended.

CHAPTER V

CONTROL OVER TIMBER AND OTHER FOREST PRODUCE

39. *Power to make rules to regulate trade and transit of timber and other forest produce.*—The Government may make

rules to regulate the transit of all timber or of certain classes of timber or forest produce within the limits of taluks in which Reserved Forests are situate or in taluks adjoining Reserved Forests, as may appear to be necessary. Such rules may (among other matters)—

(a) prescribe the routes by which alone timber may be imported into and exported from the State;

(b) prohibit the import or export or moving within defined local limits of timber or forest produce without a pass from the landholders from whose land it was brought, or from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) prescribe the form of such passes and provide for their issue, production and return;

(d) provide for the stoppage, reporting, examination and marking of timber and other forest produce in transit within defined local limits or at stations established as hereinafter provided;

(e) establish, or authorise the Chief Conservator of Forests to establish, stations to which such timber or forest produce shall be taken by those in charge of it for examination or marking; and the conditions under which such timber or forest produce shall be brought to, stored at and removed from such stations;

(f) provide for the management and control of such stations, and for regulating appointment and duties of persons employed thereat;

(g) authorise the transport of timber or forest produce, the property of Government, across any land and provide for the payment of compensation for any damage done by the transport of such timber or forest produce;

(h) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be closed or obstructed;

(i) provide for the prevention and removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber, causing such obstruction;

(j) provide for the protection of bridges, locks or other public works, by regulating the floating of timber, and the storing of timber on river banks and by authorising the seizure of timber floated or stored in contravention of such rules, or by which any damage to such works may have been caused, and the detention and disposal of such timber until compensation has been made for the damage done;

(k) regulate the use of property marks for timber and provide for the registration of such marks; declare the circumstance in which the registration of any property marks may be refused or cancelled, prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person; and provide for the levy of fees for such registration; and

(l) provide generally for the protection of the revenue from forests.

Explanation.—For the purpose of this section timber or forest produce found on, or on the margin of any public road whether loaded in carts or other vehicles or not and timber found in any river or stream whether tied into rafts or not, shall be presumed until the contrary is proved to be timber or forest produce in transit.

40. *Penalty for breach of rules made under section 39.*—(1) The Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both.

(2) Such rules may provide that, in cases where the offence is committed after making preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalty prescribed for such offence.

41. *Holders of passes to produce the same for inspection*—(1) The holder of every pass issued under rules framed under section 39 shall, while such timber or forest produce is in transit, be bound to produce the same for inspection on being required to do so by any Magistrate or Forest or Police Officer.

(2) Whoever infringes the provision in sub-section (1) shall be liable to imprisonment which may extend to one month or fine which may extend to one hundred rupees or both.

CHAPTER VI

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

42. *Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.*—All timber found adrift, beached, stranded or sunk, all timber bearing marks which have not been registered under section 39 or on which the marks have been obliterated, altered or defaced by fire or otherwise, and in such areas as the Government direct, all unmarked timber shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter

Such timber may be collected by any Forest Officer or other persons entitled to collect the same by virtue of any rule made under section 47 of this Act and may be brought to such stations as the Forest Officer may, from time to time, notify as stations for the reception of drift timber.

The Government may, by notification in the Gazette, exempt any class of timber from the provisions of this section, and may in a like manner, withdraw such exemption.

43. *Notice to claimants of drift timber.*—As soon as any timber is collected under section 42 the Divisional Forest Officer shall publish a notice in the Gazette requiring any person claiming the same to present to him, within a period of not less than one month from the date of such notice, a written statement of such claim. Such notice shall contain a description of the timber and the place from which it was collected and the station where it is stored. Copies of this notice shall be affixed in the Divisional Forest Office and the concerned Forest Range Office.

44. *Procedure on claim preferred to such timber.*—(1) When any such statement is presented as aforesaid, the Divisional Forest Officer may after making such enquiry as he thinks fit after, recording his reasons for so doing . either reject the claim or deliver the timber to the claimant. A copy of the order shall be served on the claimant.

(2) If such timber is claimed by more than one person the Divisional Forest Officer may, either deliver the same to any such person whom he deems entitled thereto, or refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such court for its disposal. If in the opinion of the Divisional Forest Officer such timber is liable to deterioration, he may sell the same in public auction and deposit the sale proceeds as Forest Deposit. The amount so deposited shall be dealt with in accordance with the orders of Court.

(3) Any person whose claim has been rejected under this section may within one month from the date of service of order, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation or costs against the Government, or against any Forest Officer on account of such rejection or detention or removal or sale by auction of any timber or the delivery thereof to any other persons under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered or a suit has been brought, as provided in this section.

45. *Disposal of unclaimed timber.*—If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by

the notice issued under section 43, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period specified in section 44, the ownership of such timber shall vest in the Government or when such timber has been delivered to another person under section 44, in such other person free from all encumbrances not created by him.

46. *Payments to be made by claimant before timber is delivered to him.*—No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section 47.

47. *Power to make rules and prescribe penalties.*—(1) The Government may, from time to time make rules to regulate the following matters, namely:—

(a) the salving, collection and disposal of all timber mentioned in section 42;
(b) the use and registration of boats used in salving and collecting timber;
(c) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber;
(d) the use and registration of hammers and other instruments to be used for marking such timber.

(2) The Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VII

Preservation of wild elephants

48. *Killing etc., of wild elephants prohibited.*—No wild elephant shall be killed, wounded or captured in any place within the State except with the sanction of Government or except as hereafter provided.

49. *Punishments for killing etc., wild elephants without authorisation.*—Whoever, not being authorised thereto under the provisions of section 48 or section 51, kills, wounds, or captures, or abets within the meaning of that term as defined in the Indian Penal Code, killing, wounding or capturing of, a wild elephant in any place within the State shall be punished with imprisonment which may extend to two years or with fine which may extend to three thousand rupees or both for each animal besides recovery of loss as assessed by the Forest Department. Any person convicted of a second or subsequent offence under this section shall be liable to double the punishment mentioned above:

Provided that nothing in this section shall be deemed to prevent any person from killing or wounding any wild elephant in defence of himself or of any other person or property:

Provided further that any person killing any wild elephant in defence of himself or of any other person or property shall, immediately report the matter to the nearest Police or Forest Officer and also take steps to protect the dead body until it is taken charge of by the Police or Forest Officer.

50. *Captured wild elephants and tusks and teeth of elephants killed, the property of Government.*—Any wild elephant captured or the tusks and teeth of any wild elephant killed shall be regarded as the property of Government and shall be delivered to the nearest Forest or Police Officer.

51. *Grant of permits for shooting or capturing of wild elephants.*—The Government may, subject to such rules as may be made by them in this behalf, from time to time, grant general or special permits in writing to any person for the shooting or capturing of wild elephants and such person shall be exempted from the operation of section 49 so long as he acts in accordance with the rules.

CHAPTER VIII

OFFENCES, PENALTIES AND PROCEDURE

52. *Seizure of property liable to confiscation.*—(1) When there is reason to believe that a forest offence has been committed in respect of any timber or other forest produce, such timber or produce, together with all tools, ropes, chains, boats, vehicles and cattle used in committing any such offence may be seized by any Forest Officer or Police Officer.

Explanation.—The terms 'boats and vehicles' in this section, section 53 and section 55 shall include all the articles and machinery kept in it whether fixed to the same or not.

(2) Every officer seizing any property under sub-section (1) shall place on such property or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the Forest Officer makes, as soon as may be, a report of the circumstances to his official superior.

53. *Power to release property seized under section 52.*—Any Forest Officer of a rank not inferior to that of a Ranger, who or whose subordinate has seized any tools, boats, vehicles or cattle under the provisions of section 52, may release the same on the execution by the owner thereof a bond for the production of the property so released, if and when so required before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

54. *Procedure thereupon.*—Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

55. *Timber, forest produce, tools, etc., when liable to confiscation.*—(1) When any person is convicted of a forest offence, all timber or other forest produce in respect of which such offence has been committed and all tools, ropes, chains, boats, vehicles, cattle or any other article used in committing such offence shall be liable, by order of the convicting Magistrate to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. *Disposal on conclusion of trial for forest offence, of produce in respect of which it was committed.*—When the trial of any forest offence is concluded, any timber or other forest produce in respect of which such offence has been committed shall, if it is the property of the Central or State Government or has been confiscated, be taken possession of by or under the authority of the Divisional Forest Officer; and in any other case it may be disposed of in such manner as the Court may order.

57. *Procedure when offender is not known.*—When the offender is not known or cannot be found, the Magistrate, if he is of opinion that offence has been committed, may, on application in this behalf order the property in respect of which the offence has been committed to be confiscated and taken possession of by or under the authority of the Divisional Forest Officer, or to be made over to any person whom the Magistrate considers to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

The Magistrate shall cause a notice of any application under this section to be served upon any person who, he has reason to believe, is interested in the property seized, or shall publish such notice in the manner he deems fit.

58. *Procedure as to perishable property seized under section 52.*—(1) Notwithstanding anything hereinbefore contained—

(a) The Magistrate may direct the sale of any property seized under section 52, which is subject to speedy and natural decay; and

(b) If in the opinion of the officer seizing such property, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale proceeds into the nearest Government Treasury, and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.

59. *Appeal from orders under sections 55, 56 and 57.*—The officer who made the seizure under section 52 or any of his official superiors or any person claiming to be interested in the property so seized, may, within two months from the date of any order passed under section 55, section 56 or section 57, present an appeal therefrom, which may be disposed of in the manner provided by section 520 of the Code of Criminal Procedure, 1898.

60. *Property when to vest in Government.*—When an order for the confiscation of any property has been passed under section 55, or section 57 and the period limited by section 59 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government free from all encumbrances.

61. *Saving of power to release property seized.*—Nothing hereinbefore contained shall be deemed to prevent a Forest Officer not below the rank of an Assistant Conservator of Forests holding charge of a Forest Division from directing at any time the immediate release of any property seized under section 52 and the withdrawal of any charge made in respect of such property.

62. *Penalty for counterfeiting or defacing marks on trees and for altering boundary marks.*—Whoever, with intent to cause damage or injury to the public or any person or to cause wrongful gain as defined in the Indian Penal Code,—

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that

such timber or tree is the property of the Government or some person, or that it may lawfully be cut or removed by some person; or

(b) unlawfully affixes to any timber or standing tree a mark used by Forest Officers; or

(c) alters, defaces or obliterates any mark placed on any timber or standing tree by or under the authority of a Forest Officer; or

(d) alters, moves, destroys or defaces any boundary mark of any forest or any land to which any provisions of this Act apply,

shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

63. *Power to arrest without warrant.*—(1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence, if such person refuses to give his name and residence, or gives his name or residence which there is reason to believe to be false, or if there is reason to believe he will abscond.

(2) Any person arrested under this section shall be informed, as soon as may be, of the grounds of arrest and shall forthwith be taken or sent to the nearest Police Station and the Officer in charge of such Station shall thereupon act according to law.

64. *Power to release on bonds persons arrested under section 63.*—Any Forest Officer of a rank not inferior to that of a Ranger who or whose subordinates have arrested any person under the provisions of section 63 may release such person on bail on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest Police Station.

65. *Punishment for wrongful seizure or arrest.*—Any Forest Officer or Police Officer who vexatiously and maliciously seizes any property on pretence of seizing property liable to confiscation under this Act, or who vexatiously and maliciously arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

66. *Power to prevent commission of offence.*—Every Forest Officer and Police Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest offence and shall have power to evict all encroachers and squatters from Reserved Forests or other lands under the control of the Forest Department and to confiscate or demolish any sheds or other structures put up in such lands. Forest Officers shall

have the powers of the Police Officers for the purposes of investigation or prevention of forest offences and the collection of evidence.

67. *Operation of other laws not barred.*—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence or from being liable under such other law to any higher punishment or penalty than that provided by this Act or the rules made thereunder:

Provided that no person shall be prosecuted and punished twice for the same offence.

68. *Power to compound offences.*—(1) Any Forest Officer not below the rank of an Assistant Conservator of Forests may accept from any person, reasonably suspected of having committed any forest offence other than an offence under section 62 or section 65, a sum of money by way of compensation for the offence which may have been committed and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer or confiscate such property to the Government.

(2) On the payment of such sum of money or such value or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property.

69. *Presumption that timber or forest produce belongs to Government.*—When, in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the property of the Central or State Government, such produce shall be presumed to be the property of the Central or State Government, as the case may be, until the contrary is proved.

CHAPTER IX

Cattle Trespass

70. *Cattle trespass Act to apply.*—Cattle trespassing in a Reserved Forest or on lands on which the grazing of cattle has been prohibited by rules made under this Act, or which has been closed under section 31, shall be deemed to be cattle doing damage to a public plantation within the meaning of the Kerala Cattle Trespass Act, 1961, and may be seized and impounded as such by any Forest Officer or Police Officer.

71. *Powers to alter fines fixed by that Act.*—The Government may, by notification in the Gazette, direct that, in lieu of the fines fixed by section 11 of the Kerala Cattle Trespass Act, 1961, there shall be levied in all or any of the areas to

which that Act applies, for each head of cattle impounded under section 70 of this Act, such fines as they think fit, but not exceeding the following:—

For each elephant	Rs. 50.00
For each buffalo or camel	Rs. 5.00
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, calf or heifer	Rs. 3.00
For each ass, pig, ram, ewe, sheep, lamb, goat or kid	Re. 1.00

CHAPTER X

OF FOREST OFFICERS

72. *Investing Forest Officers with powers.*—The Government may invest any Forest Officer not below the rank of an Assistant Conservator of Forests with all or any of the following powers, and may withdraw the same:—

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) powers of a Forest Settlement Officer;

(c) powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(d) power to hold inquiries into forest offences and, in the course of such inquiries, to receive and record evidence and to issue search-warrants which may be executed in the manner provided by the Code of Criminal Procedure, 1898;

(e) power to accept compensation for forest offences under section 68 of this Act.

Any evidence recorded under clause (d) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate; provided that it has been taken in the presence of the accused person and recorded in the manner provided by the Code of Criminal Procedure, 1898.

73. *Forest Officers deemed public servants.*—All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

74. *Indemnity for acts done in good faith.*—No suit or criminal prosecution or other proceeding shall lie against any public servant for any act done, or omitted or ordered to be done, in good faith, in pursuance of this Act.

75. *Forest Officer not to trade.*—Except with the permission in writing of the Government, no Forest Officer shall, as principal or agent, trade in timber or forest produce, or be or become interested in any lease or mortgage of any forest or in any contract for working any forest whether in the State or outside.

CHAPTER XI

MISCELLANEOUS

76. *Additional power to make rules.*—The Government may by notification in the Gazette make rules—

(a) for the protection, advancement, treatment and management of hill tribes;

(b) to declare by what Forest Officer or class of Forest Officers the powers and duties conferred or imposed by or under this Act, on a Forest Officer shall be exercised or performed;

(c) to regulate the procedure to be followed by Forest Settlement Officers;

(d) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or from the Public Treasury;

(e) for the preservation, reproduction and disposal of trees and timber belonging to Government but grown on lands in the occupation of private persons;

(f) to regulate or prohibit the felling, lopping, cutting, maiming or otherwise maltreating of trees standing on land temporarily or permanently assigned, the right of Government over which has been expressly reserved in the deed of grant or assignment of such land; and

(g) generally to carry out the provisions of this Act.

77. *Rules to be laid before the Legislative Assembly.*—All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

78. *Liability of persons engaged by Forest Officers.*—All contractors or persons engaged by the officers of the Forest Department to fell, remove or deliver timber, collect produce, or to do any work for the Department, and all persons who have permission to collect and remove timber or forest produce on permits, licences or leases, shall be held responsible for any loss or damage caused by any act or omission on the part of any of their subordinates, servants or agents infringing any of the provisions of this Act or of any rule framed thereunder.

79. *Recovery of money due to Government.*—All money, other than fines, payable to the Government under this Act or any rule made thereunder, or on account of timber or forest produce or of expenses incurred in the execution of

this Act in respect of timber or forest produce, or under any contract relating to timber or forest produce including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation or under the terms of a notice relating to the sale of timber or forest produce by auction or by invitation of tenders, issued by or under the authority of a Divisional Forest Officer, and all compensation awarded to the Government under this Act may, if not paid when due, be recovered under the law for the time being in force, as if it were an arrear of land revenue.

80. *Lien on forest produce for such money.*—When any such money is payable for, or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and if such amount be not paid when due, such produce may be taken possession of by or under the authority of a Forest Officer not below the rank of an Assistant Conservator of Forests and may be retained until such amount has been paid, or such Forest Officer may sell such produce by public auction and the proceeds of the sale shall be applied first in discharging such amount.

The surplus, if any, if not claimed by the person entitled thereto within six months from the date of the sale, shall be forfeited to the Government.

81. *Land required under this Act to be deemed needed for a public purpose.*—Whenever it appears to Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act for the time being in force.

82. *Trees and timber standing on land granted for permanent cultivation.*—All trees and timber found in any land at the disposal of the Government which may hereafter be granted for permanent cultivation under such rules as may be in force at the time shall be held to be the property of the Government; such trees shall, on the application of the grantee, be removed by the Forest Department within eighteen months from the date of receipt of such application; if not so removed such trees and timber shall become the property of the landowner on payment by him of the seigniorage value fixed by the Government from time to time.

83. *Decision or order of Forest Settlement Officer to have the effect of District Court decrees.*—Any decision or order passed by a Forest Settlement Officer under this Act and any order passed in appeal therefrom shall be enforceable by the District Court within whose jurisdiction the land is situated as if it were a decree passed by such District Court under the Code of Civil Procedure, 1908.

84. *Punishment for abetment.*—Any person who abets any of the offences specified in this Act shall, whether the act abetted is committed or not in consequence of the abetment, and where no express provision is made by this Act for the punishment of such abetment, be punished with the punishment provided for that offence.

85. *Repeal.*—(1) The Travancore-Cochin Forest Act, 1951 (III of 1952) and the Madras Forest Act, 1882 (XXI of 1882) and the Madras Wild Elephants Preservation Act, 1873 (Act I of 1873) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, are hereby repealed.

(2) All references made in any enactment to any provision of the enactments hereby repealed shall be read as if made to the corresponding provisions of this Act.

(3) All rules prescribed, appointments made, powers conferred and orders issued under the enactments hereby repealed shall be deemed to have been respectively prescribed, made, conferred and issued hereunder till new rules and enactments are made under the various sections of this Act.

86. *Delegation of powers of Government.*—Notwithstanding anything contained in this Act, the Government may delegate to the Chief Conservator of Forests, or to such other officer or authority as the Government may appoint, all or any of the powers which are conferred on the Government under sections 23, 28, 31 and 71.

SCHEDULE

(See Section 27)

1.	TEAK	TECTONA GRANDIS
2.	ROSE WOOD	DALBERGIA LATIFOLIA
3.	EBONY	DIOSPYROS EBENUM
4.	SANDALWOOD	SANTALUM ALBUM
5.	ANJILI OR AYANI	ARTOCARPUS HIRSUTA
6.	THAMBAGAM OR KONGU	HOPEA PARVIFLORA
7.	VENGA	PTEROCARPUS HARSUPIUM
8.	EDANKORANI OR PATHIRI	STEROSPERMUM XYLOCARPUM
9.	THEMBAVU OR KARIMARUTHU	TERMINALIA TOMENTOSA
10.	WHITE CEDAR OR AGIL	DYSOXYLUM MALABARICUM
11.	VENTEAK	LAGERSTROEMIA LANCEOLATA
12.	IRUL OR KADAMARAM	XYLIA DOLABRI—FORMIS
13.	PUNNAPPA	CALOPHYLLUM TOMENTOSUM
14.	CHERUPUNNA	WIGHTIANUM
15.	RED CEDAR OR MATHAGIRIVEMBU	CEDRELA TOONA
16.	VAHA	ALBIZZIA LEBBEK
17.	KARITHAGARA OR VELVAGA	,, PROCERA
18.	KARIVAGAI	,, ODORATISSIMA
19.	MYLA	VITEX ALTISSIMA
20.	MANJACADAMBU	ADINA CORDIFOLIA
21.	MANIMARUTHU	LAGERSTROEMIA FLOS-REGINAE
22.	PUVAN	SCHLEICHERA TRIJUGA
23.	MULLUVENGAI	BRIDELIA RETUSA
24.	MARUTHU	TERMINALIA PANICULATA
25.	UNNAM OR CHADICHI	GREWIA TILIAEFOLIA
26.	VENKKALI OR MARUKANJIRAM	ANOGEISSUS LATIFOLIA
27	VENKOTTA	LOPHOPETALUM WIGHTIANUM
28.	KADUKKAY	TERMINALIA CHEBULA
29.	NANGU	MESUA FERREA
30.	PINE (WHITE DAMMER)	VATERIA INDICA
31.	PUVARASSAN	THESPESIA POPULNEA
32.	CHOKKALA	AGLAIA ROXBURGHIANA
33.	MAVU	MANGIFERA INDICA
34.	PULI	TAMARINDUS INDICA

35. ILUPPA	BASSIA LONGIFOLIA
36. PASAKOTTA	SAPINDUS TRIFOLIATUS
37. THELLI (BLACK DAMMER)	CANARIUM STRICTUM
38. MORALA	BUCHANANIA LATIFOLIA
39. KODPATEI or CHUKKANNA PAYINI	HARDWICKIA PINNATA
40. MATTIPAL	AILANTHUS MALABARICUM
41. KANJIRAM	STRYCHNOS NUX-VOMICA
42. PUTHANGKOLI	POECILONEURON INDICUM
43. KARANJILI	DIPTEROCARPUS BOURDILLONI
44. VELLAINI	,, INDICUS
45. MALAVEPPU	CHUKRASIA TABULARIS
46. SHENKURANTHI	GLUTA TRAVANCORICA
47. PONPATHIRI	STEROSPERMUM CHELONOIDES
48. KARUVA	CINNAMOMUM ZEYLANICUM
49. ILLAPONGU	HOPEA WIGHTIANA
50. KONNAI	CASSIA FISTULA
51. NEDUNAR	POLYALTHIA FRAGRANS
52. NAVAL	EUGENIA JAMBOLANA
53. KARIGNAVAL	,, GARDNERI
54. CHARAVAN	,, CHAVARAN
55. KARIVELAM	ACACIA ARABICA
56. PARUMBE	PROSOPIS SPICIGERA
57. KADAPLA or PAFUMORAN	KURRIMIA BIPARTITA
58. NINGAL or BIROLI	EILICIUM DECIPIENS
59. KURANGAN	ACROCARPUS FRAXINIFOLIUS
60. UEDAPALA or KARAINI	CULLENIA EXCELSA
61. MANNAL or TIRUPPU	BISCHOFIA JAVANICA
62. ACHA	HARDWICKIA BINATA
63. VAIMARAM	CHLOROXYLON SWIETENIA
64. KUNGILIAM	SHOREA TALURA
65. ELAVU	BOMBAX MALABARICUM
66. CHEENI	TETRAMELES NUDIFLORA
67. MALAYURAM and IVORY	PTEROSPERMUM RUBIGINOSUM